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EXHIBITS

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15 JANUARY 1948

I N D E X

of

EXHIBITS

(cont'd)

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		3751	The HARADA-SATIONJI Memoirs	37464	
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Thursday, 15 January 1948

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE JU-AO MEI, Member
from the Republic of China, not sitting from 1330 to
1600; HONORABLE JUSTICE B. V. A. ROLING, Member from
the Kingdom of the Netherlands, not sitting from 1500
to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except SHIRATORI, who is represented by counsel. The
5 Sugamo prison surgeon certifies that he is ill and
6 unable to attend the trial today. The certificate
7 will be recorded and filed.

8 Judge Nyi.

9 JUDGE NYI: May it please the Tribunal,
10 I shall offer in evidence IPS document No. 4043,
11 item 21, a captured German document, which is a
12 telegram from the German Ambassador in Tokyo to the
13 Reich Foreign Minister, bearing date 20 May 1939, in
14 contradiction of the testimony of ITAGAKI at page
15 30,505, in which he denied sending to Ambassador Ott
16 a written declaration to the effect that the army
17 was working for the signing of the pact secretly and
18 simultaneously with the signing of the German-Italian
19 pact in order to give the pact the character of a
20 tri-partite alliance.

21 On page 30,505 ITAGAKI was asked:

22 "Did you not on the 20th of May, 1939,
23 send one by the name of MACHIJIRI to Ambassador Ott
24 with a written declaration to the effect that the
25 army was working for the signing of the pact secretly

1 and simultaneously with the signing of the German-
2 Italian Pact in order to give the pact the character
3 of a tripartite alliance?"

4 The answer was: "No, that is not so."

5 Therefore, in our submission this document
6 will both impeach the credibility of ITAGAKI's
7 testimony and also substantiate the prosecution's
8 charges against him because the document clearly
9 shows the army was steering the course in the matter
10 of the tri-partite alliance.

11 MR. MATTICE: The accused ITAGAKI objects
12 to the introduction in evidence of this document.

13 THE PRESIDENT: Judge Nyi.

14 JUDGE NYI: I am sorry; I didn't hear the
15 ruling of the Court, if there is any.

16 THE PRESIDENT: The objection is upheld and
17 the document rejected.

18 JUDGE NYI: I shall next offer in evidence
19 IPS document No. 4043, item 25, a captured German
20 document, being a telegram from the German Ambassador in
21 Tokyo to the State Secretary, bearing date 27 May
22 1939, for the purpose of contradicting the testimony
23 of ITAGAKI on page 30,506, which in effect was a
24 denial that the army contended for the automatic
25 entrance into a state of war against England and

France.

1 THE PRESIDENT: Mr. Mattice.

2 MR. MATTICE: Objected to on behalf of the
3 accused ITAGAKI for the reason the same being hearsay,
4 has no probative value.

5 THE PRESIDENT: What have you to say,
6 Judge Nyi2

7 JUDGE NYI: In our submission, this is not
8 mere hearsay because this was confirmed after talk
9 with the spokesman of the army. This document is
10 extremely important because it involves the Supreme
11 War Council, the War Minister, and the Prime Minister,
12 and the spokesman almost confirmed everything that
13 was previously heard by the Embassy, the German
14 Ambassador.

15 MR. SHIMANOUCHI: I object on behalf of
16 the defendant OSHIMA. First, the document is repeti-
17 tions and immaterial. The first item, namely, that
18 the Foreign Minister communicated to Berlin the
19 decision of the Five Ministers' Conference which had
20 been objected to by the War Minister appears in court
21 exhibit 2230 on May 20. Next, as to the reasons
22 for the army's objections, the witness YAMAWAKI,
23 Masataka, who appeared on behalf of the defendant
24 ITAGAKI, testified in his affidavit, court exhibit
25

3301, as follows:

1 Correction: The army's objection to the
2 decision.

3 Namely, that the Japanese Government's
4 fundamental policy toward the proposed alliance
5 between Japan, Germany, and Italy was that the
6 question of whether or not Japan would aid Germany
7 militarily in the event of a German war with England
8 and France would depend entirely on circumstances.
9 This was the fundamental policy of the Japanese
10 Government, and War Minister ITAGAKI faithfully
11 adhered to this policy. Judge Nyi did not cross-
12 examine regarding this statement by YAMAWAKI, in
13 spite of the fact that Judge Nyi conducted extensive
14 cross-examination of the witness in regard to other
15 points.
16

17 Next, as regards the fact that the Japanese
18 Ambassador in Berlin did not immediately communicate
19 this document to the German Government, this portion
20 of this document is repetitious of court exhibit 2230.

21 THE PRESIDENT: Your objections must be
22 stated briefly. They are far too long. They are
23 unreasonably long. If the document is as important
24 to you at this stage as your long argument suggests,
25 you must have a lot to say about it in your summation.

1 I doubt whether we will hear much about it there.

2 MR. SHIMANOUCI: The remainder of my
3 objection will be very brief, your Honor.

4 THE PRESIDENT: Well, it is too long already,
5 far too long. Put your point shortly, whatever is
6 left.

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1 MR. SHIMANOUCI: That portion of this docu-
2 ment beginning with the words "Pointed out," which is
3 paragraph 2, down to the end, has no connection with
4 the issues involved in this case and is, therefore,
5 irrelevant and immaterial.

6 Furthermore, this document mentions an army
7 spokesman, but according to the German original, the
8 word is "Gewahrsmann," meaning "person who gave informa-
9 tion." Therefore, I consider this document to be
10 strictly based on hearsay.

11 THE PRESIDENT: We do not want to hear you,
12 Judge Nyi.

13 By a majority, the objections are overruled
14 and the document admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document
16 4043, Item 25, will receive exhibit No. 3746.

17 (Whereupon, the document above
18 referred to was marked prosecution exhibit
19 No. 3746 and received in evidence.)

20 JUDGE NYI: With the permission of the
21 Tribunal, I shall read exhibit No. 3746, omitting the
22 formal part, beginning with "Strictly secret."

23 "Strictly secret -- Reference: Telegram of
24 23rd, No. 217.

25 "On hearing rumors of new cabinet struggles

1 over alliance asked Army for information whereupon
2 spokesman gave an exposition which can explain the con-
3 tradictions reported in preceding telegram: Foreign
4 Minister wired decision of the Five Ministers of 20 May
5 to Berlin and Rome in a form which Army rejects,
6 because it does not automatically fix the entrance
7 into a state of war against England and France, but
8 proposed to make it dependent on the situation at the
9 time. Japanese Ambassadors Berlin Rome had refused
10 transmittal. Prime Minister had ascertained this
11 departure from the decision after it had left and had
12 delivered /his/ own correction to cabinet. With the
13 express approval of Supreme War Council War Minister
14 is again struggling together with the Prime Minister
15 for clear conception of this basic question.

16 "Pointed out particularly to spokesman that
17 theoretical reservations of Navy vis-a-vis Western Powers
18 stood in crassest contradiction of their procedure
19 in Amoy and Western Powers themselves are working for
20 a Soviet alliance that would necessarily affect Japan
21 seriously.
22

23 "Spokesman personally counted on possibility
24 of resignation of Foreign Minister. Private secretary
25 of Prime Minister who, moreover, seemed concerned
regarding remaining /in power/ of whole cabinet also

1 expressed similar view. Hear from other source that
2 Emperor had made agreement /between/ Army and Navy a
3 condition for his assent in answer to Prince KAN-IN,
4 who represented the alliance demands of the Army.

5 "Regarding stubborn resistance of opponents
6 of alliance rumors are cropping up of terroristic plans
7 of radical groups. OTT."

8 I shall now offer in evidence IPS document
9 No. 4047-E, Item 6, a captured German document, being
10 a telegram from the German Ambassador in Tokyo to the
11 State Secretary, bearing date 3 August 1939, to con-
12 tradict the testimony of ITAGAKI on pages 30,510 to
13 30,512, in which he denied, in effect, that the army
14 opposed the settlement of the Tientsin question with
15 the British on the ground that it would hurt the chances
16 for the German-Japanese military alliance; and for
17 the additional purpose of contradicting ITAGAKI's
18 testimony, page 30,512, in which he denied that he
19 urged convocation of a Five Ministers' Conference prior
20 to the 3d day of August, 1939, at which he was willing
21 to push an all-out alliance even at the risk of a
22 cabinet crisis.

23
24 On page 30,512 the question was put to
25 ITAGAKI: "Did the Army oppose the Anglo-Japanese
understanding because it would hurt the chances of a

German-Japanese alliance?" The answer was: "The Army
1 did not oppose."

2 Also on page 30,512, the question was put to
3 ITAGAKI: "Let me ask you: Did you not urge convocation
4 of a Five Ministers Conference a few days prior to the
5 3d day of August, 1939, at which you were willing to
6 push an all-out military alliance, even at the risk of
7 a cabinet crisis?" The answer was: "No, not at all."

8 This document will prove the stubborn attitude
9 of the Army in working for this alliance even at the
10 expense of good relations between Japan and England.
11 We therefore submit it is important and of probative
12 value.
13

14 MR. MATTICE: Objected to on behalf of the
15 defendant ITAGAKI, if the Tribunal please. If the
16 prosecution wishes to impeach Mr. ITAGAKI upon the
17 matters outlined by Judge Nyi, they might well have done
18 so by calling Ott as a witness. I submit that a
19 purported or an alleged telegram received in the offices
20 of the German Government in Berlin purporting to have
21 been sent by Ott, and even if actually sent by him,
22 falls far short of establishing the fact.

23 THE PRESIDENT: By a majority, the objection
24 is sustained and the document rejected.

25 JUDGE NYI: This concludes our presentation

1 of documents on order list No. 2, and Mr. English will
2 present documents on order list No. 3.

3 THE PRESIDENT: Mr. English.

4 MR. ENGLISH: May it please the Tribunal, we
5 offer in evidence IPS document No. 3090-D, marked as
6 prosecution exhibit 3455 for identification, record
7 33,189, which is the record of the Imperial Conference
8 of 13 November 1940. It is offered to rebut the accused
9 MUTO's claim that his intervention at Imperial Conference
10 was merely clerical and nothing more than as a dis-
11 tributor of copies of documents to those attending the
12 conference, record 33,180, and that he did not recall
13 having attended this conference, record 33,182.

14 On page 33,186, the Tribunal said: "There-
15 fore, according to our previous practice, the objection
16 is upheld, and your proper place to put it in is in
17 rebuttal." And on page 33,188 the Tribunal said: "I
18 think you have sufficiently laid the foundation."
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THE PRESIDENT: Mr. Cole.

MR. COLE: May it please the Tribunal, this document is objected to on behalf of the accused MUTO on the grounds of its lacking both importance and probative value.

First, in the matter of its unimportance, it has already been clearly established and undenied by the accused that he attended many Imperial and Liaison Conferences and this therefore is unnecessary to prove that point. Further on the matter of importance, as the accused pointed out on cross-examination, it is not at all clear what was discussed at this conference.

The document seems to aim merely at showing who was present at that conference and I should like to discuss that further under the matter of probative value. At the bottom of page two there are two lists of persons, the first one headed "Those present" and the second one "...those who were invited to attend..."

THE PRESIDENT: Do you suggest this is repetitive and that there is already proof of who was present?

MR. COLE: Sir, I claim it is repetitive as regarding attending such conferences in general. We deny absolutely that he attended this one.

I beg the Court's pardon, I must make a

1 correction. He did not deny absolutely that he
2 attended; he merely said that he had no recollection
3 of it whatever.

4 THE PRESIDENT: It may be important as
5 proving who was present at a certain Imperial Conference.

6 MR. COLE: I should like to make one more
7 point, if the Tribunal please.

8 THE PRESIDENT: It contains a list of those
9 present and those invited.

10 MR. COLE: Yes, sir.

11 May I make one further point, if your Honor
12 please? In the middle of page 3 is the statement
13 "Written by Secretary OGURA." The sentence just
14 preceding says "I presume the Council proceeded
15 according to the order described in the appended
16 papers." If the Secretary were present he certainly
17 would know not only who attended but whether the
18 agenda was followed.

19 THE PRESIDENT: Mr. Logan.

20 MR. LOGAN: If the Tribunal please, on behalf
21 of the accused KIDO I object to the first page and a
22 half of this document. It adds nothing except to
23 show perhaps that as Lord Keeper of the Privy Seal
24 he made arrangements for this meeting which certainly
25

1 doesn't touch any part of the Indictment. If anything,
2 it is favorable to him; but it seems to me it is a
3 frightful waste of time to read all that for the
4 record. And also --

5 THE PRESIDENT: We do not want to hear you,
6 Mr. Logan.

7 Do you wish to add anything, Mr. English?

8 MR. ENGLISH: May I be heard, your Honor?

9 THE PRESIDENT: Well, if you insist, but few
10 of us can see any importance in this document.

11 MR. ENGLISH: The document is important --

12 THE PRESIDENT: I do not think that you will
13 succeed in altering that opinion of the majority.

14 By a majority the objection is sustained and
15 the document rejected.

16 MR. ENGLISH: We offer in evidence IPS document
17 3104(2), marked prosecution exhibit 3458 for identifi-
18 cation, a duly authenticated official document of the
19 Japanese Government which the accused MUTO challenged
20 as to identity and authenticity and which he failed to
21 recall. It is a draft of reply material, dated 11 July
22 1941, submitted at the request of the Chief of the
23 Military Affairs Bureau MUTO to the Foreign Office for
24 use by Ambassador NOMURA in replying to questions of
25 the United States Government concerning the French

1 Indo-China problem and the increase of military
2 forces stationed in Manchuria. The foundation is
3 to be found on pages 33,188 to 33,202 of the record.

4 THE PRESIDENT: Mr. Cole.

5 MR. COLE: May it please the Tribunal, this
6 document is objected to, or rather its admission, on
7 the questions of probative value and importance.

8 I call the Tribunal's attention to the
9 fact that nowhere in the document is there an official
10 seal or signature, either of the accused or of any
11 ministry. On page 1 in the middle there is a reference
12 to the Military Affairs Bureau, accompanied by what
13 appears to be a translator's note inserted; and the
14 question arises: By whom was that inserted? The
15 last clause in the paragraph numbered 1 says the Army
16 and Navy are asked to confer and discuss the matter.
17 That surely raises doubt as to whether this came
18 officially from the War Ministry or any bureau in it.

19 I contend, lastly, that the document has no
20 importance at this point in the trial because the
21 United States-Japanese negotiations had been fully
22 covered.

23 MR. ENGLISH: The document is a duly
24 authenticated document of the Japanese Government. It
25 shows the activities of the accused MUTO in connection

1 with the negotiations and page 3 of the processed
2 copy, the last sentence, shows that this document
3 was sent at the request of the Chief of the Military
4 Affairs Bureau who at that time was the accused MUTO.

5 THE PRESIDENT: By a majority the objection
6 is overruled and the document admitted on the usual
7 terms.

8 CLERK OF THE COURT: Prosecution document
9 3104(2), now exhibit 3458 for identification only,
10 will be marked as received in evidence and will retain
11 the same exhibit number.

12 (Whereupon, exhibit No. 3458, previous-
13 ly marked for identification, was received in
14 evidence.)

15 MR. ENGLISH: (Reading)

16 "/attached paper/

17 "(1) We have no objection to the draft of
18 telegraphic instruction to Ambassador NOMURA as
19 reply material concerning the French Indo-China
20 Problem as submitted by the Navy.

21 "(2) As reply material for the Northern
22 Problem, this draft is offered by the Army according
23 to the purport of Paragraph 2, mentioned above.

24 "/Top Secret/ Stamped

25 "/Marginal notes/

"Forwarded for reference.

1 "When the Foreign Office Draft is ready,
2 please discuss it - this is also the Minister's
3 desire (written in red ink).
4

5 "(Draft) Telegraphic Instructions to
6 Ambassador NOMURA as Reply Material concerning the
7 Northern Problem.

8 "July 11, 1941, the Military Affairs Bureau,
9 War Ministry /inserted/

10 "Explanation

11 "1. This draft is to be submitted to the
12 Foreign Office as reply material when the U.S.
13 Government questions the Ambassador after the fact of
14 strengthening of the military forces stationed in
15 Manchuria becomes known, (at least for the time being
16 such a thing cannot be made clear) /marginal note/
17 As the time of dispatching the telegram is a military
18 top secret requiring ample consideration, the Army and
19 Navy are asked to confer and discuss the matter.

20 "2. In view of the circumstance when she
21 sent her military forces to Siberia and next to
22 Iceland, this draft is made with the object of not
23 giving a pretext to, as well as preventing, the United
24 States from making its influence felt in Kamchatka
25 or elsewhere under the pretense of the self-defense

and security.

"Telegraphic Instruction (Draft)

"It is self-evident that our Empire watches with the great interest the development of the war between Germany and Soviet Russia. Japan and Manchukuo directly border the Soviet Union and moreover we are making efforts to establish the East Asiatic Co-prosperity Sphere. Therefore, our national defense could be endangered through the effects of the European conflict felt in the Far East, or the third power's sphere of influence /Marginal note/ meaning the sale offer of military bases of operation, etc. of Enkai Province. /TN. Maritime Province where Vladivostok is situated and Kamchatka/ could spread to the Soviet territories in the Far East by taking advantage of the Russo-German War, but Japan absolutely cannot allow such eventualities to happen.

"We are, therefore, strengthening our defensive military forces within the minimum limit required in this regard for the sole purpose of preparing ourselves for just such a serious state of affairs.

"H. E. The AMERICA BUREAU Chief

"7 July

"Lieutenant Colonel NINOMIYA (NINOMIYA seal)

"Following drafts are to be sent to you from the

Navy.

"1. 'Telegraphic instructions draft to Ambassador NOMURA as materials for answering questions on our penetration into French Indo-China.'

"2. 'Telegraphic instructions draft to Ambassador NOMURA as materials for answering questions on the management of Northern problems.'

"Concerning the above-mentioned problems.

"1) It is quite dangerous if the matters especially as regards the North leak through to the U.S.A. too early. It is desirable that you discuss the time, etc., at the liaison round-table conference.

"2) As to the aforesaid plan (1), there is generally no objection on the part of the Chief of the Bureau, but about plan (2) the material for answering questions on the management of the Northern question, there are further opinions on the part of the Army.

"I report to you by the request of the Chief of Military Affairs Bureau."

IPS document 3211 is offered in evidence to rebut the denial of the accused MUTO that he ever had a

1 conversation on 8 October 1941 in his office with Major
2 F. D. Merrill, of the staff of the United States Military
3 Attache in Tokyo, to the effect that there was no longer
4 any real hope of settling the American-Japanese problems
5 by talks between diplomats and therefore the problem was
6 one for the armies to settle. Foundation, record 33,206
7 to 33,208.

8 CLERK OF THE COURT: Correction for the last
9 exhibit number announced: Prosecution document 3104(2)
10 will receive exhibit No. 3747.

11 THE PRESIDENT: Mr. Cole.

12 MR. COLE: This document is objected to on
13 behalf of the accused MUTO, first, on the basis of
14 probative value as it is only a memorandum, unsworn and
15 unsigned, largely regarding personal matters. Also, it
16 was written three months after the alleged event.

17 In the matter of importance, it adds nothing
18 because these matters have already been thoroughly dis-
19 cussed.

20 MR. ENGLISH: This is an official report, an
21 official document of the United States Government. It
22 impeaches MUTO who denied that he had this conversation
23 and shows the activities of the accused MUTO in October
24 1941, in connection with the negotiations then going on
25 between Japan and the United States.

1 THE PRESIDENT: It is important, if at all,
2 only because it suggests that MUTO is not telling the
3 truth.

4 MR. ENGLISH: I think it is important, your
5 Honor, in that it shows that the Chief of the Military
6 Affairs Bureau was active in matters in connection with
7 the negotiations.

8 THE PRESIDENT: Is that the only evidence on
9 that?

10 MR. ENGLISH: If you will read the last eight
11 lines of the first paragraph --

12 THE PRESIDENT: Well, independently of its
13 effect on the credibility of MUTO, you say it is import-
14 ant to show his association with the negotiations.

15 By a majority the objection is overruled and
16 the document admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document 321
18 will receive exhibit No. 3748.

19 (Whereupon, the document above
20 referred to was marked prosecution exhibit
21 No. 3748 and received in evidence.)

22 MR. ENGLISH: (Reading)

23 "WAR DEPARTMENT

24 "U. S. MILITARY MISSION TO CHINA

25 "'AMMISCA'

"(Photostatic copy)

"529 Merchant Street, Rangoon, Burma, December
26, 1941

"(Stamp) (Rec'd-G-2 May 23, 1942)

"Memorandum: For Liaison Officer, Office of
Chief of Staff, G-2, Washington, D. C."

THE PRESIDENT: Must you read all of this?

MR. ENGLISH: Just the first paragraph, your
Honor. (Reading)

"1. On October the 8th I was invited to call
at the General Staff, Tokyo and upon arrival was immediately taken to the War Office and presented to General Akira MUTO, Chief of the Military Affairs Department. General MUTO apologized for not being able to speak English and stated that he had been informed that I had been ordered to leave Japan. Inasmuch as I had just returned from a tour of duty with the Japanese Army, he said, it was his desire to explain to me the seriousness of the international situation. This explanation repeated the usual statements of the desire of Japan to maintain peace and took over an hour. Following this General MUTO said, 'There is no longer any real hope of settling the problems between our countries by talks between diplomats. The matter is one for the armies to settle. It is possible that the armies can do this with-

1 out fighting therefore I think that you should endeavor
2 to report to your superiors that Japan has a good army.
3 I do not care how you criticize us but you should be
4 careful to say only the actual facts. If you cannot
5 convey to your people the true state of things I am
6 afraid that I must give you a very unpleasant farewell
7 present. This present is simply that if an understanding
8 is not reached you will be fighting us in six weeks in
9 Manila.' The conversation with General MUTO was reported
10 to the Military Attache and to the Ambassador and sub-
11 mitted in writing."

12 We tender in evidence --

13 I will read at the request of the defense
14 further from the paragraph just read:

15 "I am merely reporting the main features in the
16 event the Attache was unable to forward my report. It
17 has very little value except as an interesting forecast
18 of the opening date of the war."
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1 We tender in evidence IPS document 3217-A, to
2 rebut the accused MUTO's denial that War Minister HATA
3 after conferring with Vice-Minister ANAMI and Chief of
4 the Military Affairs Bureau MUTO, then with the Big
5 Three with MUTO in attendance, and later with the mem-
6 bers of the Supreme War Council, of which MUTO was the
7 Chief Secretary, called at the official residence of the
8 Prime Minister and delivered to him the army's consensus
9 of opinion which motivated his resignation. This also
10 disproves MUTO's testimony that he did not know what
11 transpired at the conference of the Big Three which
12 came to the conclusion that no one in the army would
13 accept the post of War Minister to succeed General
14 HATA, transcript 33,230 to 33,231.

15 THE PRESIDENT: Mr. Lazarus.

16 MR. LAZARUS: Mr. President, I wish to object
17 to this document on behalf of General HATA on several
18 grounds. It would not, of course, be acceptable as
19 rebuttal evidence under the grounds previously noted,
20 but neither does it come under the two grounds now per-
21 mitted by the Court. It has no probative value at all
22 because it is nothing but excerpts from a newspaper,
23 the Yomiuri Shimbun of 17 July 1940.

24 The Tribunal will well remember that while I
25 was Chief Counsel in the China phase and we sought to

1 introduce evidence of this nature, the prosecution called
2 them mere handouts, and the Tribunal sustained every ob-
3 jection, and in the end we withdrew every single document
4 from newspapers.

5 Further, the Tribunal will note there is not a
6 single direct quote nor is there anything that purports
7 to be a quote or direct information from one of the per-
8 sons attending these converences. There are three dis-
9 jointed questions ~~taken~~ as excerpts from one newspaper
10 article, with no source of authenticity shown of any
11 nature.

12 One more point. This is in direct contradic-
13 tion to prosecution's exhibit 532, which states definite-
14 ly, because it is an excerpt from KIDO's Diary, and I
15 quote from page 3 of that: "War Minister HATA met
16 Prime Minister YONAI at 9:00 A. M. this morning and sub-
17 mitted his resignation."

18 How, then, could HATA have attended all these
19 other conferences on the 16th?

20 THE PRESIDENT: By a majority the objection is
21 sustained and the document rejected.

22 Mr. English.
23
24
25

1 MR. ENGLISH: We offer in evidence IPS docu-
2 ment No. 3030-Q, an excerpt from the Minutes of the
3 Proceedings of the 75th Diet of 22 March 1940, marked
4 as exhibit 3021 for identification, to rebut the
5 accused MUTO's denial that in responsible circles
6 in Japan his speech in the Committee of Accounts
7 in the Diet of 20 March 1940 was interpreted as ad-
8 vocating the dissolution of political parties.

9 A foundation was laid on page 33,266 of the
10 record.

11 THE PRESIDENT: Mr. Cole.

12 MR. COLE: We object to the admission of this
13 document on the basis that it is entirely unimportant
14 and, if I may say so, seems to me quite pointless.
15 This actually boils down merely to a question directed
16 to General MUTO, and I can't see how under any cir-
17 cumstances a question directed to him could be impeach-
18 ment. It shows that he replied for some one else,
19 and the last sentence merely asks a further question.
20 I can't see, if the Tribunal please, that this has
21 any value for any purpose.

22 THE PRESIDENT: We want to be sure you have
23 the right document in your hand. Mr. English skipped
24 a document. You may have that one.

25 MR. COLE: May I beg the Court's indulgence.

for a moment? I don't have that corrected copy.

1 THE PRESIDENT: Well, have you the right
2 document. IPS 3030-0, excerpts from a budget committee
3 meeting?

4 MR. COLE: I have a corrected copy now. your
5 Honor, which I have seen for the first time.

6 I offer the same objections with one further
7 observation, the further observation being that testi-
8 mony put in by the prosecution itself is contrary to
9 the statement that General MUTO recommended the disso-
10 lution of political parties.

11 THE PRESIDENT: Mr. English.

12 MR. ENGLISH: The accused MUTO in his affi-
13 davit attempted to explain this speech. The speech
14 was put in as an exhibit. He denied that he made the
15 statement that he was against the dissolution of politi-
16 cal parties. The document is offered to show that he
17 did make the statement at the particular Diet committee
18 meeting.

19 THE PRESIDENT: By a majority the objection
20 is sustained and the document rejected.

21 MR. ENGLISH: That concludes order list No. 3.
22 Commander Cole.

23 THE PRESIDENT: We will recess for fifteen
24 minutes.
25

(Whereupon, at 1045, a recess
was taken until 1100, after which the
proceedings were resumed as follows:)

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Commander Cole.

COMMANDER COLE: The prosecution now offers
rebuttal documents on order list No. 4.

We first offer IPS document 2779, which was
previously marked exhibit 3474 for identification at
transcript page 33,469. This document is a Foreign
Office memorandum dated 30 August 1938 relating to a
conversation between the accused OKA and KAGESA. The
document contradicts the testimony of the accused OKA,
who stated on cross-examination at page 33,465 of the
transcript that he did not remember a conversation
with KAGESA, the Military Affairs Section Chief, on that
date concerning the capture of Canton. OKA, in effect,
denied that any such conversation could have taken
place because, as he stated, such a matter as the
capture of Canton would be outside the province of the
Naval Affairs Bureau. Prosecution offers this document
in evidence.

THE PRESIDENT: Mr. Roberts.

MR. ROBERTS: The defense objects to this

1 document because it is a document the source of
2 which is not disclosed and the nature of which is
3 very vague and ambiguous so that it has no probative
4 value and is not important. It purports by the cer-
5 tificate to be an agreement for the capture of Canton,
6 but on its face it purports to be a record of a con-
7 versation between KAGESA and OKA; but that is also
8 doubtful because I am informed that the opening two
9 lines are mistranslated. It does not bear OKA's seal
10 so that it cannot be relied upon as a report subscribed
11 to by him for the purpose of impeaching his testimony.
12 He denied it was an agreement or a report by him,
13 which it isn't, and the closing sentence discloses
14 it to be a mere conjecture concerning some possible
15 action to be taken in these words: "No definite view
16 has yet been decided upon; however, it is believed
17 probable that either the Army and Navy Ministers will
18 discuss the matter privately with the Foreign Minister
19 or that it will be decided by the Five Ministers'
20 Conference." I say it is very vague, very ambiguous,
21 and has no probative value whatsoever.

23 COMMANDER COLE: If the Tribunal please, in
24 regard to the alleged mistranslation of the first
25 sentence of this document, the prosecution will submit
~~that to the Language Arbitration Board and have the~~

1 document amended if that should prove necessary. In
2 regard to the probative value of the document, this
3 is an official memorandum of the Foreign Office,
4 properly certified by the Chief of the Archives
5 Section thereof.

6 THE PRESIDENT: We would like a translation
7 immediately of the words which are questioned.

8 COMMANDER COLE: Will the Language Section
9 translate the first sentence of this document?

10 Prosecution would also like to point out
11 that the Foreign Office properly kept an official
12 record of this conversation since, as it is stated
13 in the document in paragraph 3, the capture of Canton
14 was deeply connected with diplomatic considerations.

15 MR. ROBERTS: The Tribunal should bear in
16 mind that the two men who are mentioned in the
17 document are chiefs of sections. One is a Chief of
18 a Section in the Naval Affairs Bureau and the other
19 is a Chief of a Section in the Military Affairs
20 Bureau. How these two Chiefs of Sections could sign
21 an agreement for the capture of Canton is inconceivable.

22 THE PRESIDENT: Independently of this docu-
23 ment, perhaps. We must have the translation before
24 we can give our decision. Have you another document
25 you could offer while we are waiting for the translation?

1 COMMANDER COLE: Yes, your Honor. I believe
2 he has the translation now.

3 LANGUAGE ARBITER (Mr. Sano): If the Tribunal
4 please, we submit the following language correction:
5 "The statement of KAGESA and OKA, Chiefs of Military
6 and Naval Affairs Sections, is as follows."

7 MR. ROBERTS: And I again remind the Tribunal
8 that this document does not bear the seal of OKA. He
9 said he never recalled seeing it before so its probative
10 value is nil. As a matter of fact, it has no import-
11 ance whatever.

12 THE PRESIDENT: By a majority the objection
13 is overruled and the document admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution document
16 2779, now exhibit 3474 for identification only, will
17 be marked as received in evidence and will retain the
18 same exhibit number.

19 (Whereupon, exhibit No. 3474, previously
20 marked for identification, was received in
21 evidence.)

22 COMMANDER COLE: This document is dated
23 30 August 1938 and marked "Top Secret." It is
24 stamped in the margin and initialed by the following:
25 "Chief of East Asia Bureau; Chief of First Section,

East Asia Bureau; Minister; Vice Minister." The document reads as follows:

"The statement of KAGESA and OKA, Military Affairs Section Chief and Naval Affairs Section Chief, is as follows:

"I. Actual conferences on concrete plans for the capture of Canton, between the Army and Navy have been in progress for the past two or three days. The Army strength is expected to be about 3 divisions.

"II. In consideration of the friction with Britain, the land forces will land on the peninsula at the East part of Bias Bay and will carry out the capture of Canton.

"III. The capture of Canton is deeply connected with diplomatic considerations; therefore it is thought by some that the policy should be decided by the Five Ministers' Conference. However, the Five Ministers' Conferences has already from time to time, in accordance with the transition of the war situation, decided the policies of occupying various important places in China, and the capture of Canton is nothing but the application of the said over-all policy. Moreover, as the Canton operation is an action lying purely and simply within the Supreme Command sphere, a decision to leave the formal

1 decision of policy to the Five Ministers' Conference
2 might give rise to the charge that the prerogative of
3 the Supreme Command had been violated. No definite
4 view has yet been decided upon; however, it is believed
5 probable that either the Army and Navy Ministers will
6 discuss the matter privately with the Foreign Minister
7 or that it will be decided by the Five Ministers'
8 Conference."

1 Next, IPS document 3249, which was previously
2 marked exhibit 3475-A for identification at transcript
3 page 33,486, is offered. It is an article from the
4 Asahi Shimbun dated 26 March 1941 relating to joint
5 Army and Navy plan for the reorganization of the IRAA.
6 The accused OKA stated on cross-examination at page
7 33,476 of the transcript that he had absolutely no
8 recollection that he and MUTO, in March, 1941, pre-
9 pared such a joint plan for reorganization of the
10 IRAA. OKA also denied, at page 33,477 of the tran-
11 script, that the Naval Affairs Bureau engaged in
12 positive activities with reference to the IRAA.

13 The evidence previously given before this
14 Tribunal, particularly the testimony appearing at
15 transcript page 1079, shows that after January, 1941
16 all newspapers were organized into the Japanese News-
17 paper League which resulted in complete governmental
18 control of all information channels. Likewise, the
19 establishment of the Board of Information at about the
20 same date resulted in strict censorship control. In
21 view of this fact the prosecution submits that the pres-
22 ent newspaper article, which concerns official action
23 taken by the Army and Navy, could not have been pub-
24 lished without the consent and approval of the Army
25 and Navy. Consequently, this newspaper article is,

1 in effect, the report of an official announcement and
2 should be admitted in evidence.

3 Prosecution wishes to point out that as
4 recently as 17 December, 1947 the defense offered and
5 the Court received in evidence, at transcript page
6 35,600, an article from the Asahi Shimbun to show the
7 date of the Japanese withdrawal from the League of
8 Nations. The prosecution submits that the same rule
9 should be applied to the newspaper article now offered.

10 THE PRESIDENT: Mr. Roberts.

11 MR. ROBERTS: As stated, this is a newspaper
12 article, and the defense claims it does not disclose
13 the source of the information contained therein and
14 is of no probative value. Under previous rulings of
15 this Court such newspaper articles have been rejected
16 whether offered by the prosecution or the defense.

17 THE PRESIDENT: By a majority, the objection
18 is sustained and the document rejected.

19 COMLANDER COLE: If it please the Tribunal,
20 the next two documents are also newspaper articles.
21 Wherever a document was shown to the accused on
22 cross-examination and marked for identification, the
23 prosecution has felt that as a matter of good faith
24 it should tender the document in evidence at this time.
25 However, in view of the Court's rejection of the last

document, prosecution will omit the next two documents.

THE PRESIDENT: Yes.

COMMANDER COLE: We next offer IPS document 1087. This document was the official record of the Privy Council meeting of 8 December, 1941 concerning the decision to declare war. The document is offered in evidence in contradiction of the testimony of the accused OKA who stated on cross-examination, at page 33,503 of the transcript, that he did not recall attending a meeting of the Privy Council on that date but that, if he did attend, he did not participate in the decision.

THE PRESIDENT: Mr. Roberts.

MR. ROBERTS: Objection is made to this as well. Why this document is being offered in rebuttal is not clear to counsel. When cross-examined concerning this meeting, at page 33,502 of the record, the accused OKA stated that he probably attended such meeting as an explainer. In view of the submission of the accused, the document is not important and will only add to the mass of documents already presented.

COMMANDER COLE: If it please the Tribunal, the accused OKA, at transcript page 33,502, stated

1 that he did not recall attending the Privy Council.
2 His final explanation on the next page, 33,503, was
3 that there was no case of his participating in the
4 decision, and he did not recall whether he attended
5 or not. On direct examination the accused OKA cited
6 a number of prosecution exhibits relating to meetings
7 of the Investigation Committee of the Privy Council,
8 in all of which he stated that he retired from the
9 conference before the decision was reached. The
10 present document involving a Privy Council meeting
11 shows that OKA did not retire from the conference and
12 was present at the time the decision was unanimously
13 reached.

14 THE PRESIDENT: At least it does not disclose
15 the contrary; that is as much as you can say.

16 COMMANDER COLE: In view of the fact that
17 it was this Privy Council which decided on war with
18 the United States, prosecution submits that the docu-
19 ment has probative value and should be admitted.

20 THE PRESIDENT: By a majority, the objection
21 is sustained and the document rejected.

22 COMMANDER COLE: We next offer IPS document
23 No. 3267 which was previously marked exhibit 3477
24 for identification at page 33,517. This document is
25 a directive from the Chief of the Naval Affairs Bureau

1 of the Navy Ministry to the Chief of the Military
2 Affairs Bureau of the War Ministry and the Chief of
3 the Army Prisoner of War Control Department, dated
4 30 November 1943, concerning a transfer of thirty-
5 eight prisoners of war from Ofuna Prisoner of War
6 Camp to the Army. The accused OKA stated on cross-
7 examination, at page 33,507, that he had absolutely
8 no recollection of having ordered the transfer of
9 such prisoners of war from Ofuna Prisoner of War
10 Camp to the Army. OKA also denied that this docu-
11 ment was an order and stated that it was only an
12 inquiry in connection with liaison work, transcript
13 page 33,508. Prosecution offers this document in
14 evidence.

15 THE PRESIDENT: Mr. Roberts.

16 MR. ROBERTS: Objection is made to this
17 document because this is a document which the accused
18 OKA stated is an inquiry concerning the transfer of
19 prisoners of war handled as a liaison matter by the
20 Naval Affairs Bureau. Its examination will show that
21 it states, "Communication re Delivery of POW's," and
22 it does not in any manner act to impeach the testi-
23 mony of the accused and is not important for any pur-
24 pose except possibly to further clutter up the record
25 in this case.

As the accused stated on page 33, 508 of the
record, "This is not an order. This, as I have
already referred to, is one of the items requiring
liaison work." It merely shows that the Naval
Affairs Bureau handled the transfer of prisoners of
war and no one has ever denied this.

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1 COMMANDER COLE: If the Court please, on cross-
2 examination the accused OKA, transcript page 33,505,
3 stated that the highest authority in connection with
4 the supervision of prisoners of war was commanders of
5 naval stations, fleets, and naval guard areas. The
6 accused OKA also, transcript page 33,569, stated that
7 he had no recollection of the Naval Affairs Bureau issu-
8 ing orders concerning prisoners of war.

9 The prosecution submits that this document,
10 which is an official record of the Prisoners of War
11 Information Bureau, relates to a material fact placed
12 in issue by the accused OKA himself.

13 THE PRESIDENT: By a majority the objection is
14 sustained and the document rejected.

15 Commander Cole, in view of our decision that
16 unimportant documents will not be received, you are not
17 bound to tender any document of that nature merely to
18 show your good faith.

19 COMMANDER COLE: Very well, your Honor. In
20 view of that I will omit the last document on the
21 order list.

22 This concludes the presentation of documents on
23 order list No. 4. Mr. Comyns Carr will continue.

24 THE PRESIDENT: Mr. Comyns Carr.

25 MR. COMYNS CARR: May it please the Tribunal,

1 in the course of the defense case a number of witnesses
2 have been cross-examined on the basis of what is known
3 as the HARADA-SAIONJI records and have made statements
4 under cross-examination or in their direct evidence
5 which are in whole or in part contrary to entries in
6 those volumes. We propose to tender together and in
7 order of date, with one exception, all the extracts of
8 those records on which we rely. A full copy of the
9 translation prepared by the Civil Intelligence Section
10 of SCAP has been deposited with the Clerk of the
11 Tribunal and been available for inspection by the de-
12 fense ever since the 29th of August, 1947, and as from
13 that date the defense has had access to the photo-
14 static copy of the Japanese. That they have made full
15 use of these is clear from the fact that occasionally
16 when we have based questions upon parts of these records,
17 objection has been taken on the ground of alleged in-
18 accuracies in the translation. For this reason we have
19 had the translation of all the excerpts which we are
20 using revised and in every case the excerpt which will
21 be tendered now is in revised translation. If the
22 defense are still not satisfied with any part of it it
23 can, of course, be referred to the Language Arbitration
24 Board.
25

The defense of UMEZU has itself made use of

these records, putting in an excerpt which is now exhibit 3693 at page 36,883 of the record. Other defense counsel, although having full opportunity to do the same, have preferred to make no reference to it.

Two of the accused, KIDO and TOJO, have attacked the reliability of the late Baron HARADA, KIDO at page 31,540 and TOJO at pages 36,656-60, with special regard to an excerpt of 19 August 1940 which was marked for identification as exhibit 3687 at page 36,665. KIDO's allegations were that HARADA was not a scholar and lacking in method, that he had a long illness of three or four months from February 1937 onwards, during which KIDO had to do his work for him and from some unspecified date in the later part of his life he was given to drowsiness and did not appear to be listening to what was said to him.

TOJO's allegation was that exhibit 3687, which purports among other things to quote from a record of a Four Ministers' Conference on or about that date, was a concoction. In order to refute these allegations we shall first call before you Mrs. KONOYE, the sister-in-law of the late Prince KONOYE, who took the whole of these records from beginning to end from the dictation of HARADA, seeing him once or twice a week for that purpose. We shall also call Dr. Tomiji MURAYAMA who

1 medically attended Baron HARADA throughout the period
2 concerned.

3 I think it will be more convenient to call
4 Dr. MURAYAMA first because he will be quite short and
5 enable him to be dispensed with. I therefore call Dr.
6 MURAYAMA.

7 THE PRESIDENT: The Marshal has not been in-
8 formed that witnesses are to be called until just now.

9 MARSHAL OF THE COURT: I have dispatched some-
10 one to find out where they are.

11 MR. COMYNS CARR: They are in attendance. Here
12 he is.

13
14 T O M I J I M U R A Y A M A, called as a witness on
15 behalf of the prosecution, being first duly sworn,
16 testified through Japanese interpreters as follows:

17 DIRECT EXAMINATION

18 BY MR. COMYNS CARR:

19 Q Are you Tomiji MURAYAMA, a physician in
20 Tokyo?

21 A Yes.

22 MR. COMYNS CARR: May he be shown IPS document
23 No. 3358?

24 (Whereupon, a document was handed
25 to the witness.)

Q Is that your affidavit?

1 A Yes, it is.

2 Q Are the contents thereof true?

3 A They are.

4 MR. COMYNS CARR: I tender it in evidence.

5 THE PRESIDENT: Mr. Logan.

6 MR. LOGAN: If it please the Tribunal, I have
7 been trying cases for nigh onto twenty years and this
8 is the first instance that I know of where the proponent
9 of a document is in such doubt of it that he must produce
10 a doctor to show that the person who wrote the document
11 was sound mentally.
12

13 THE PRESIDENT: It is the defense that has the
14 doubts, not the prosecution, if I understand correctly.

15 MR. LOGAN: There has been no evidence in this
16 case by any of the accused that I know of questioning
17 the mentality of Baron HARADA.

18 THE PRESIDENT: Mr. Carr read a number of
19 observations from which that deduction might be drawn.

20 MR. LOGAN: None of the observations read by
21 him stated that his mentality was impaired.

22 We object to the introducing of this document.

23 THE PRESIDENT: The objection is overruled and
24 the document admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution document 3358

MURAYAMA

DIRECT

37,446

will receive exhibit No. 3749.

(Whereupon, the document above
referred to was marked prosecution exhibit
No. 3749 and received in evidence.)

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Mr. COMYNS CARR: I will now read it.

1 "I, Tomiji MURAYAMA, a physician in Tokyo,
2 Japan, was family or house physician for the late Baron
3 Kumao HARADA from 1922 until his death in 1946.

4 "During the period from 1922 until 1941 I
5 attended the late Baron HARADA during several illnesses,
6 none of which were serious, and at no time was there a
7 loss of memory or any sickness which would impair his
8 mentality.

9 "During the period 1930 until 1941 the late
10 Baron HARADA was in complete command of all his facul-
11 ties and was alert mentally."

12 THE PRESIDENT: Mr. Logan.

13 MR. LOGAN: If the Tribunal please.

14 - - -

15 CROSS-EXAMINATION

16 BY MR. LOGAN:

17 Q Doctor, did you continue to treat Baron HARADA
18 after 1941?

19 A I was his principal physician until the date
20 of his death.

21 Q What illnesses did he have after 1941?

22 THE PRESIDENT: Mr. Comyns Carr,

23 MR. COMYNS CARR: I object to that question,
24 your Honor. In our submission this is immaterial. The
25

1 affidavit is confined to the period 1941 because the
2 record ceased to be kept at the end of 1940, and any-
3 thing that happened after that time is immaterial.

4 MR. LOGAN: If the Tribunal please, that ques-
5 tion is admissible on two grounds. If Baron HARADA suf-
6 fered from any illness after 1941 which affected his
7 memory at all it might be traced back to a period of
8 time during which he was dictating these memoirs. Sec-
9 ondly, it will be shown that corrections were made to
10 his memoirs after 1941 and that he was not able to read
11 them at that time because of his illness and look them
12 over to see if the corrections were accurate.

13 THE PRESIDENT: Well, are you trying to asso-
14 ciate some mental condition after 1941 with his mental
15 condition in 1941?

16 MR. LOGAN: Yes, and prior thereto.

17 THE PRESIDENT: You may ask the question.

18 Q Will you answer the question?

19 A In August 1943 Baron HARADA was affected by
20 thrombosis of the brain.

21 Q Is that a disease that comes on suddenly,
22 Doctor, or does it come on gradually?

23 A It is relatively acute.

24 Q And how long had he been suffering with that
25 prior to 1943?

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2 record ceased to be kept at the end of 1940, and any-
3 thing that happened after that time is immaterial.

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5 tion is admissible on two grounds. If Baron HARADA suf-
6 fered from any illness after 1941 which affected his
7 memory at all it might be traced back to a period of
8 time during which he was dictating these memoirs. Sec-
9 ondly, it will be shown that corrections were made to
10 his memoirs after 1941 and that he was not able to read
11 them at that time because of his illness and look them
12 over to see if the corrections were accurate.

13 THE PRESIDENT: Well, are you trying to asso-
14 ciate some mental condition after 1941 with his mental
15 condition in 1941?

16 MR. LOGAN: Yes, and prior thereto.

17 THE PRESIDENT: You may ask the question.

18 Q Will you answer the question?

19 A In August 1943 Baron HARADA was affected by
20 thrombosis of the brain.

21 Q Is that a disease that comes on suddenly,
22 Doctor, or does it come on gradually?

23 A It is relatively acute.

24 Q And how long had he been suffering with that
25 prior to 1943?

1 A He was affected by this disease for the first
2 time in August 1943.

3 Q How many times did you attend him in your
4 capacity as a physician from 1922 until 1941?

5 A As my records were destroyed during the air
6 raids I shall have to testify from memory. But I recall
7 that during 1922 I attended him two or three times.

8 Q What was the illness from which he was suffer-
9 ing at that time?

10 A I believe they were of such nature as colds
11 or indigestion coming from overeating.

12 Q And that was just one year, 1922. But how
13 many times did you attend him from 1922 to 1941?

14 A From 1929 to 1941?

15 Q 1922 to 1941.

16 A Several times in that period.

17 Q How many times is "several times", Doctor?

18 A In Japan, five or six times.

19 Q Is that five or six times a year or five or
20 six times during this entire period from 1922 to 1941?

21 A Five or six times throughout the whole period.

22 Q And you said that you were his principal phy-
23 sician. Did he have any other doctors?

24 A No.

25 Q What were the years in which you treated him?

1 A I am sorry, I do not have the records so I
2 cannot give you the exact years.

3 Q What is your best recollection of it now?

4 A Throughout that period he never contracted
5 any disease important enough to call by name.

6 Q I didn't ask you that, Doctor. I asked you
7 what years you saw him in, those five or six times,
8 from 1922 to 1941, to the best of your recollection?

9 A I can't tell you because it is not in my
10 recollection.

11 Q So that you only saw him five or six times
12 from 1922 to 1941, is that your testimony?

13 A Yes.

14 Q And yet you are trying to tell this Tribunal
15 that during this --

16 THE INTERPRETER: Was the word "saw" or
17 "treated"?

18 (Whereupon, the official court
19 read as follows: "So that you only saw him--")

20 A I have seen him on other occasions because I
21 treated other members of his family for diseases. But
22 I only treated him five or six times.

23 Q How many times did you see him during that
24 period of time aside from your treating him for any
25 illnesses?

1 A I had opportunities to see him two or three
2 times a month.

3 Q Doctor, what causes thrombosis of the brain?

4 A He was a little too obese and therefore his
5 heart was weakened, and his thrombosis came from that.

6 Q How long did he suffer with a bad heart?

7 A He showed signs of a weakened heart from the
8 year previous to the outbreak of this disease.

9 Q Did he ever tell you about the headaches he
10 started getting in 1937?

11 A I never heard of any headaches.

12 Q Did you know he was so ill in 1937 that he had
13 to get Marquis KIDO to take over his work for about
14 five months as secretary to Prince SAIONJI?

15 A I have never seen him affected by any disease
16 covering such an extensive period as five months.

17 Q I didn't ask you that, Doctor. I said did
18 you know that during that period of time he had to get
19 Marquis KIDO to take over his work as secretary for
20 Prince SAIONJI?

21 A I do not know.

22 Q Did you visit him during that period of time?

23 A I may have, but it is not in my recollection.

24 Q When did he first suffer with paralysis, Doctor?

25 A That was after he contracted thrombosis of

the brain.

1 Q Are you sure he contracted thrombosis in
2 1943? Are you sure that is the year without your
3 notes?

4 A I am sure.

5 Q And as a result of this paralysis he was
6 unable to speak for quite a period of time, isn't that
7 so, Doctor?

8 A That is true. For about a month after he
9 contracted thrombosis of the brain he was not able to
10 use his tongue, and even after that, up to the date of
11 his death, he was not able to use his tongue freely.
12 Correction: It was difficult to understand what he
13 was saying.

14 Q How often did Baron HAKADA used to stay down
15 at Oiso?

16 A I think that he made his home in Oiso after
17 he contracted this disease up to the date of his death.
18 Once in a while, when his disease was not too heavy,
19 he would go to Hakone for recuperation. But I do not
20 know how long he lived in Oiso before contracting this
21 disease.

22 Q Didn't he used to go to Karuizawa for long
23 periods of time, too?

24 A He went to Karuizawa the year he contracted

1 this disease, and in fact he became sick while on the
2 train going from Karuizawa to Oiso near Shimbashi
3 Station.

4 THE PRESIDENT: We will adjourn until half
5 past one.

6 (Whereupon, at 1200, a recess was
7 taken.)
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AFTERNOON SESSION

1
2 The Tribunal met, pursuant to recess, at
3 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.
6

7 THE PRESIDENT: Mr. Logan.

8 - - -

9 T O M I J I M U R A Y A M A, called as a witness
10 on behalf of the prosecution, resumed the stand
11 and testified through Japanese interpreters as
12 follows:

CROSS EXAMINATION

13
14 BY MR. LOGAN (Continued):

15 Q Doctor, in what branch of medicine do you
16 specialize?

17 A Diseases of the heart, kidneys, and of the
18 digestive organs, and metabolism.

19 Q You don't specialize in mental diseases, do
20 you?

21 A No.

22 Q How old are you?

23 A I am fifty-five, according to the Japanese
24 count.

25 Q Doctor, when you were called in by the

1 prosecution to give an affidavit, did you make the
2 suggestion with respect to loss of memory or lack
3 of it of Baron HARADA, or did you answer that pursuant
4 to a question that was put to you by the prosecution?

5 A I made the statement of my own free will
6 pursuant and in answer to a question.

7 Q In other words, they brought the question
8 up first; is that it?

9 A Yes, they put the question.

10 Q Does paralysis affect the memory, Doctor?

11 A In some cases, yes; in other cases, no.

12 Q And of course if you had never examined
13 a person, and if he had paralysis or semi-paralysis
14 you couldn't tell whether or not his memory was
15 affected; isn't that right?

16 A Of course it depends on circumstances.

17 Q Well, you don't mean to tell me, Doctor,
18 that you could make a diagnosis with respect to a
19 person's memory without examining the person, could
20 you?

21 A Well, I think a doctor's knowledge would be
22 sufficient to cover that.

23 Q Without such an examination; is that right?

24 A In examining brain disease, loss of memory
25 and the state of mentality would be taken into account.

1 Q But you would have to make tests on a
2 person to determine that, wouldn't you?

3 A In some cases the tests are required.

4 Q Did you make any tests of HARADA with
5 respect to his memory?

6 A I have, in 1943, after he became ill.

7 Q But you never made any before that; is that
8 right?

9 A Not especially.

10 Q So your statement in this affidavit that
11 at no time was there a loss of memory or any sickness
12 that would impair his mentality from 1922 to 1941
13 is a gratuitous statement on your part without any
14 medical background; isn't that right?

15 And you only made that statement because
16 the prosecution asked you to; isn't that so?

17 THE PRESIDENT: You did not listen for the
18 reply, Mr. Logan. I did not hear one. I heard him
19 say something in Japanese, which meant nothing to me.

20 MR. LOGAN: I was finishing the question,
21 if your Honor please.

22 THE MONITOR: At that time the witness was
23 able to go only so far as to say "special examination,"
24 and the rest was not audible to us.

25 Q Well, answer the question, Doctor.

1 A He never contracted any disease requiring
2 a special examination, and throughout the period of
3 my association with him he never showed any signs
4 of loss of memory or of an impaired mentality.

5 Q Is paralysis or semi-paralysis caused by a
6 blood clot, Doctor?

7 A Yes.

8 Q Are you sure, Doctor, you never treated
9 Baron HARADA in 1937 for paralysis -- paralytic
10 condition?

11 A I never have, I am sure.

12 Q And a blood clot on the brain causes
13 pressure and is quite probably likely to affect the
14 memory; isn't that so?

15 A It does.

16 Q Now, Doctor, with respect to your testimony,
17 if there appears in Marquis KIDO's Diary of February
18 27, 1937, the following statement:

19 "At half-past eight HARADA called at my
20 home. I was greatly surprised to learn that he was
21 suffering from nervous prostration; that the left half
22 of his body was semi-paralyzed. I advised him
23 urgently to recuperate."

24 Now, in view of that statement that appears
25 in that diary, are you still willing to tell this

1 Court that Baron HARADA suffered no illness, did
2 not have paralysis in 1937, did not have nervous
3 prostration?

4 A I have no recollection of what Baron
5 HARADA may have told me.

6 THE MONITOR: Correction: I have no
7 recollection of HARADA ever telling me about that.

8 Q Is it possible that he did tell you?

9 A It is not in my recollection.

10 Q But you were his only physician. Wouldn't
11 he have told you that if he had had it?

12 A I think so.

13 Q And not having told you that, assuming that
14 he had it, I presume that you are willing to state
15 that he might have had other mental troubles during
16 that period of time which he didn't tell you about;
17 isn't that so?

18 A I do not know of his having suffered from
19 any mental disease.
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1 Q Doctor, you can't presume to tell us that
2 y u remember every illness of every one of your
3 patients that you treated from 1922 to 1941, do you;
4 especially since all your records are burned?

5 A Certainly not. But as for Baron HARADA, I
6 was on especially intimate terms with him, and so I
7 remember his case better than the others -- I should
8 remember his case better than the others.

9 Q You were more intimate with him than with
10 any of your other patients, I presume, for the purpose
11 of this trial, isn't that so, Doctor?

12 A He was one of my patients with whom I was
13 most intimate.

14 Q How many patients did you have from 1922 to
15 1945?

16 THE PRESIDENT: I am sure we do not want to
17 know.

18 Q Assuming, Doctor, that Baron HARADA did
19 have a semi-paralytic stroke in 1937, and in view of
20 the fact that you treated him in 1943, would you say
21 that that stroke that he had in '37 was the result of
22 a blood clot on the brain, too?

23 A I think that the thrombosis of the brain was
24 first contracted by Baron HARADA in 1943.

25 Q But he may have had it before, isn't that so,

Doctor?

1 A If he had been, he should have shown some
2 symptoms. But when I examined him in 1943, I saw no
3 such symptoms of a prior outbreak.

4 MR. LOGAN: That is all.

5 THE PRESIDENT: Mr. Comyns Carr.

6 REDIRECT-EXAMINATION

7
8 BY MR. COMYNS CARR:

9 Q In view of the questions that have been
10 asked, Doctor, I would like to ask you, where did you
11 take your medical qualification?

12 A I graduated from the Okayama Medical College
13 in Japan, and later I continued my studies at the
14 University of Pennsylvania and at Harvard University
15 in America.

16 MR. COMYNS CARR: That is all I ask. May
17 the witness be released?

18 THE PRESIDENT: He is excused on the usual
19 terms.

20 (Whereupon, the witness was excused.)

21 MR. COMYNS CARR: Now I call Mrs. Yasuko

22 KONOYE.
23
24
25

- - -

KONOYE

DIRECT

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1 Y A S U K O K O N O Y E, called as a witness on
2 behalf of the prosecution, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. COMYNS CARR:

7 Q Is your name Yasuko KONOYE; are you the wife
8 of Hidemaro KONOYE, the younger brother of the late
9 Prince KONOYE?

10 A I am.

11 Q And are you a teacher of shorthand?

12 A Yes.

13 MR. COMYNS CARR: There are two affidavits
14 of this witness, and I ask that they both be shown to
15 her together, documents 3357-A and B.

16 (Whereupon, documents were handed
17 to the witness.)

18 Q Are those your affidavits, and are the
19 contents of them true?

20 A They are all true.

21 MR. COMYNS CARR: I tender them both in
22 evidence, your Honor.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution document
25 3357-A will receive exhibit No. 3750. Prosecution

document 3357-B will receive exhibit No. 3750-A.

(Whereupon, the documents above referred to were marked prosecution exhibits No. 3750 and 3750-A, respectively, and received in evidence.)

MR. COMYNS CARR: I will read them in that order.

"I, Yasuko KONOYE, wife of Hidemaro KONOYE, am a teacher of shorthand, and during the period of 1930 to 1931, I, as his stenographer, took in shorthand the notes of the late Baron Kumao HARADA.

"I have been shown by Mr. J. G. Lambert, IPS Investigator, a photostatic copy of this finished transcription which I recognize as the memoirs of Baron HARADA written by me in my own handwriting.

"These notes taken by me in shorthand were transcribed in Japanese by me and given to Baron HARADA for approval.

"Baron HARADA took the transcription to Prince Kimmochi SAIONJI for corrections and suggestions.

"Prince SAIONJI's corrections and/or suggestions were incorporated in the completed form which I wrote in my own handwriting and which is identified as above."

Your Honor, the prosecution number of the

KONOYE

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1 document, the volumes as a whole, is 3150. My
2 friend, Mr. Logan, has agreed to dispense with their
3 all being brought into court to be marked for identi-
4 fication, owing to the great bulk of them, but I ask
5 that they be given an exhibit number as marked for
6 identification.
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1 CLERK OF THE COURT: The HARADA-SAIONJI
2 Memoirs will receive exhibit No. 3751 for identification
3 only.

4 (Whereupon, the document above
5 referred to was marked prosecution exhibit
6 No. 3751 for identification.)

7 MR. COMYNS CARR: I now read exhibit No.
8 3750-A:

9 "Baron Kumao HARADA dictated to me, Yasuko
10 KONOYE, once or twice a week from notes and from
11 memory the first drafts of the record.

12 "Baron HARADA was a university graduate and
13 was about average in methodical methods of work, being
14 neither outstanding nor lax in the organizing of his
15 work.

16 "With reference to a statement made by Koichi
17 KIDO that Baron HARADA was sick for three or four
18 months from the time when UGAKI failed to form his
19 Cabinet (i.e., the end of January, 1937) and that KIDO
20 took over his duties, I say as follows:

21 "(a) From a study of the records of the
22 period 1 February 1937 - 31 May 1937 there was only one
23 sickness mentioned, this being on 23 February and he
24 was active on 3 March having gone to Okitsu on that
25 date. During the whole of the rest of the four months

1 he was travelling between Tokyo, his own and Prince
2 SAIONJI's country homes, and calling upon people.

3 "(b) During such times as he was sick, either
4 in this or any other period, he never ceased dictating
5 the records. I took the dictation in his bedroom or
6 sitting-room. During such a period he gathered infor-
7 mation by telephone calls and by people visiting him.
8 At no time did KIDO or anyone other than HARADA dictate
9 any part of the records.

10 "With regard to KIDO's statement that HARADA
11 suffered from drowsiness during the latter part of his
12 life, I say that if this refers to the five years be-
13 tween the death of SAIONJI (when he ceased dictating the
14 records) and his own, I saw him very seldom and cannot
15 express an opinion. But it is not true as to any part
16 of the time when he was keeping the records. It is true
17 that all the time, whatever his state of health, he
18 occasionally appeared abstracted, as if he was thinking
19 of something else, while someone was speaking; but I
20 noticed that in spite of this appearance, he always knew
21 quite well what they said. He was, at all times, while
22 I knew him, fully competent mentally.

23 "With regard to the entry of 19 August 1940,
24 marked for identification during the cross-examination
25 of the accused TOJO as exhibit 3687, I well remember

1 that when HARADA was dictating this to me he was reading
2 from a document which he held in his hand."

3 THE PRESIDENT: Mr. Logan.

4 CROSS-EXAMINATION

5 BY MR. LOGAN:

6 Q Mrs. KONOYE, you state in your affidavit that
7 you used to take this dictation from Baron HARADA once
8 or twice a week. When did you first start taking dic-
9 tation of these Memoirs from Baron HARADA?

10 A From 1930.

11 Q Now, isn't it a fact, Mrs. KONOYE, that on some
12 occasions, that is, many occasions, you didn't take this
13 dictation but once every two weeks, sometimes once every
14 three weeks?

15 A There were such occasions, but when there was
16 little to write, sometimes in one sitting I would take
17 down what should have been put down as two separate
18 dates, and therefore the dates of the Diary may not be
19 accurate in all respects -- in all cases.

20 Q It may not be accurate in all cases. Now, in
21 what other cases besides the date might it be inaccurate?

22 A I don't feel that there are any other inaccu-
23 racies besides the date.

24 Q Well, what did you mean by inaccuracies in all
25 cases?

1 THE MONITOR: Japanese court reporter.

2 (Whereupon, the Japanese court
3 reporter read.)

4 THE MONITOR: Perhaps we had better make a
5 correction on the answer by the witness, next to the
6 last one -- before the last one: "It may be well said
7 that the dates of the Diary are not altogether correct,"
8 instead of, "in all cases."

9 Q Well, getting back to that, Mrs. KONOYE, I will
10 withdraw the last question.

11 Let's take this Part 14, for example, which
12 the prosecution filed in the Clerk's office, of the so-
13 called SAIONJI-HARADA Memoirs. On page 2011 there is a
14 chapter headed 9 of February 1938, but the first entry
15 under that date starts off, "On January 21." Does that
16 mean, Mrs. KONOYE, that on the 9th of February Baron
17 HARADA sat down and started to dictate what happened on
18 January 21?
19

20 MR. COMYNS CARR: Your Honor, in my submission,
21 if my friend had intended to ask her about particular
22 entries of the Diary, he should have spoken for the
23 Japanese copies of those so that they would be here to
24 be shown to her, and I ask that these copies be sent
25 for before she answers.

THE PRESIDENT: If she has no independent

1 recollection, she may refer to them, but she hasn't
2 asked for that yet.

3 MR. LOGAN: The prosecution is anticipating
4 something that isn't going to happen. I am not going to
5 ask her for the contents of them. I am just talking
6 about the date when she took this dictation and when it
7 was written.

8 MR. COMYNS CARR: Your Honor, it might be
9 equally difficult for such questions to be answered with-
10 out seeing the record.

11 BY MR. LOGAN (Continued):

12 Q You can answer that question, can't you, Mrs.
13 KONOYE?

14 A Unless I be shown the contents, I can't make
15 any reply.

16 MR. LOGAN: I think the remarks suggested that
17 answer. I wish these interruptions wouldn't occur.

18 May I ask the prosecution to bring into court,
19 since it now becomes necessary, that particular photo-
20 static copy so that we can show it to the witness, and
21 I'd also like to have the prosecution produce the orig-
22 inal.

23 THE PRESIDENT: Let us avoid that if we can.
24 They were too big to bring into court for identification
25 purposes.

1 MR. LOGAN: Well, any volume they bring in, if
2 the Tribunal please, I'll examine her on that.

3 MR. COMYNS CARR: Of course, if we had had
4 notice of this, we would have had them in court, but my
5 friend told me it could be dispensed with, bringing them
6 into court.

7 MR. LOGAN: If the objection hadn't been made
8 the way it was, too, it wouldn't have been necessary to
9 bring them in.
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1 MR. COMYNS CARR: I am sure it would.

2 Your Honor, the Japanese copies are not
3 arranged, I understand, in the parts in which the
4 English copies are. If my friend will tell me the
5 chapter number he wants, we can get it.

6 MR. LOGAN: 262. I would also like to have
7 chapter 264 and chapter 266.

8 MR. BROOKS: If the Tribunal please, while
9 they are bringing those in, I would like to have the
10 first volume and the last volume of the original from
11 which the photostatic copy has been made to be
12 shown to the witness so we can examine her on it.

13 MR. COMYNS CARR: Your Honor, the original
14 is not in our possession.

15 BY MR. LOGAN (Continued):

16 Q Now, Mrs. KONOYE, we will go on to another
17 subject pending the receipt of those books.

18 How long did you continue to take dictation
19 from Baron HARADA?

20 A From 1930 to the date of Prince SAIONJI's
21 death.

22 Q And when was that?

23 A Winter 1940, I think.

24 Q And how many times during those ten years
25 would you say that you took dictation; once or twice

a week?

1 A Since it was so long ago, I don't distinctly
2 remember.

3 Q Now, you said something a little while ago
4 that when you let about three weeks elapse before
5 appearing to take dictation from Baron HARADA
6 that you put in several dates. Now, just what did
7 you mean by that?

8 A According to my recollection, when there
9 was little to write the number of pages was also
10 naturally small and therefore what would ordinarily
11 require two or three dictations would be bound in
12 one volume.

13 THE MONITOR: "What would ordinarily take
14 two or three dictations on separate occasions, would
15 be incorporated into only one dictation."

16 Q So that can we assume or state, Mrs. KONOYE,
17 that the regularity of your visits to Baron HARADA
18 depended upon the amount of material that he had to
19 dictate?

20 A I think there were considerations of Baron
21 HARADA's health also involved.

22 Q Wasn't he feeling well?

23 A Sometimes he would catch cold or be otherwise
24 indisposed.
25

1 Q Well, passing that for the moment, Mrs.
2 KONOYE, on these visits where a space of three
3 weeks or less elapsed, we understand that Baron
4 HARADA would dictate to you what happened three
5 weeks previously.

6 A In cases where three weeks elapsed between
7 one sitting and the next you may think so.

8 Q He dictated from memory and notes you say
9 in your affidavit; is that true?

10 A That is correct.

11 Q And the notes he used were obtained by him
12 from his diaries; isn't that correct?

13 A On the whole, yes -- on the whole, I think so.

14 Q And in these diaries, Mrs. KONOYE, isn't it
15 a fact that Baron HARADA recorded, for example, a dinner
16 he went to, who was there and the topic of the
17 conversation and that was practically all that he would
18 have with respect to that particular entry? Isn't
19 that so?

20 A I hope you will investigate the contents
21 because I do not know very much about them.

22 MR. LOGAN: I ask that the witness be shown
23 this book.

24 (Whereupon, a document was handed
25 to the witness.)

1 Q Do you recognize that as one of Baron
2 HARADA's original diaries?

3 A This writing looks to me like that of
4 Baron HARADA.

5 Q Assuming it is Baron HARADA's, don't you
6 find in that book that practically all instances
7 where he had meetings with people he merely records
8 the names of the people and the gist of the conversation,
9 and in very few instances does he record what anyone
10 said?

11 A I can observe -- it may be observed that on
12 subjects other than persons' names, HARADA dictated
13 to me from memory.

14 Q Then his dictation primarily didn't come
15 from diaries such as the one you have in your hand,
16 except that the diary refreshed his recollection as
17 to who was present and to whom he talked; isn't that
18 so, Mrs. KONOYE?

19 A There were many occasions when Baron HARADA
20 dictated to me from memory and not from this diary,
21 but even in this diary I am sure you will find many
22 items -- many notations of events as distinguished
23 from names of persons.

24 Q Did you find many instances of actual complete
25 conversations in that book such as he dictated to you

1 from memory?

2 A There are several places in this notebook --
3 there are places here and there where conversations
4 are recorded, but whole conversations are not recorded
5 and it is more or less something more; notes to which
6 comments have been added.

7 THE INTERPRETER: "It was something like
8 notes to which comments had been added."

9 Q In other words, Mrs. KONOE, can we state as
10 a fact that the conversations which he dictated to
11 you did not come from any notes?

12 A I couldn't say that all were.

13 Q Would you say the majority of cases are so?

14 A In regard to specific details, I think he
15 dictated to me from memory. There were also occasions
16 on which he had papers in his hand other than this
17 notebook from which he would dictate to me.

18 Q How many occasions during this ten-year
19 period would you say he had some documents, other than
20 those notebooks, similar to that?

21 A I am afraid I can hardly remember such
22 specific instances.
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1 Q Would it be one or two or a great many cases?

2 A All the time -- on many occasions.

3 Q What type of documents were they?

4 A They were pieces of paper on which notations
5 somewhat simpler than those given in this notebook,
6 were written down -- for instance, dates, names of
7 people, and the broad outline of events or matters
8 under discussion.

9 Q They did not contain conversations, did they,
10 that he had with other people, that is, in quotation
11 marks?

12 A I have never seen those papers.

13 Q So you don't know what was in them at all, do
14 you? You are just guessing, isn't that so?

15 A I was able to tell by the way in which he read
16 them.

17 Q Did he ever read any documents to you in which
18 he was quoting conversations that he had with other
19 people?
20

21 A May I have that statement repeated?

22 (Whereupon, the last question was
23 read.)

24 A (Continuing) Maybe, but I don't recall for
25 sure.

Q You took the dictation home and wrote it out

1 in Japanese script, isn't that correct, Mrs. KONOYE?

2 A That is so.

3 Q So that if there were two three-week periods
4 together, it would mean that when you took them back
5 to Baron HARADA written out in your script, a period
6 of six weeks had elapsed, isn't that so?

7 MR. COMYNS CARR: Your Honors, I haven't
8 heard her say anything about two three-week periods
9 being together at any time. My friend is putting that
10 into her mouth as though she had said it.

11 MR. LOGAN: If the Tribunal please, I have no
12 objection to the prosecutor making legal objections,
13 but when he suggests answers to the witness, then I
14 think it is time to stop. This is cross-examination.
15 I suggest, if the Tribunal please, that we be per-
16 mitted the same latitude that the prosecution was
17 given.
18

19 MR. COMYNS CARR: Your Honor --

20 MR. LOGAN: If he has any legal objection to
21 the question I have no objection to him stating it.

22 MR. COMYNS CARR: Your Honor, that was a legal
23 objection. In my submission a question so phrased as
24 to assume that the witness has said something which she
25 has not said is an improper question, and legal objec-
tion may be taken to it.

KONOYE

CROSS

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1 THE PRESIDENT: Such a question of course is
2 objectionable. The question now is, What did she say?

3 MR. LOGAN: Is the objection sustained, your
4 Honor?

5 THE PRESIDENT: What did she say? Did she
6 say what you suggested to her she said? Do you
7 debate that?
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1 MR. LOGAN: If the court reporter will read
2 back the question. I am not sure but I think I put it
3 in a supposititious way.

4 THE PRESIDENT: Well, that is wrong.

5 The objection is allowed in those circumstances
6 and the question disallowed. The question must be
7 based on what she actually said. It purported to be
8 based on what she said.

9 Q Mrs. KONOYE, you testified that you did not
10 know how many times during that ten year period you
11 went to see Baron HARADA and take dictation once or
12 twice a week, is that correct?

13 A I don't recall.

14 Q I also assume on the basis of elimination
15 you don't know how many times you went once every
16 three weeks or so, is that correct?

17 A You may.

18 Q How many times, if any, during those ten years
19 did you go once every three weeks in succession?

20 A I don't remember that either.

21 Q Were there ever any such occasions?

22 A I believe there were occasions when I didn't
23 go for three weeks when Baron HARADA was ill or in-
24 disposed.

25 Q Were there occasions when you didn't for three

1 v eks twice or three times in succession one after the
2 other?

3 A I feel that there were but on the whole I
4 went to see him once or twice a week.

5 Q So that on these occasions that you think did
6 happen, three weeks elapsed twice in succession, when
7 you brought the document back to Baron HARADA it was,
8 therefore, six weeks after the first date mentioned
9 in your transcript of your proceedings, is that not so?

10 A I think you can say that.

11 Q After you brought the record, the memoirs,
12 back to Baron HARADA he would keep them for a while,
13 wouldn't he, and then take them up to Prince SAIONJI
14 later on?

15 A I could not say. I would not be able to tell
16 you anything about that. My recollection is that he
17 took them with him on the next occasion he visited
18 **Okitsu.**

19 THE PRESIDENT: We will recess for fifteen
20 minutes.
21

22 (Whereupon, at 1445, a recess was
23 taken until 1500, after which the proceedings
24 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If the Tribunal please.

5 BY MR. LOGAN (Continued):

6 Q In any event, Mrs. KONOYE, you do know it
7 to be a fact that the Memoirs were taken, after you
8 wrote them in Japanese script, given to Baron HARADA
9 and he did take them up to have Prince SAIONJI edit
10 them; isn't that so?

11 A That is so.

12 Q And did Baron HARADA bring those manuscripts
13 back with him on the same trip to see Prince SAIONJI
14 or did he wait and pick them up at a subsequent date?

15 A Since I didn't see him doing this on each
16 occasion I cannot say anything. I don't know.

17 Q In any event Baron HARADA would give them to
18 you after he had been up to see Prince SAIONJI; isn't
19 that so?

20 A Those records were kept by Baron HARADA's
21 family.

22 Q Now, Mrs. KONOYE, isn't it a fact that after
23 Baron HARADA had gone up to see Prince SAIONJI, he
24 brought them back and he turned them over to you to
25 have them rewritten; isn't that true?

1 A That was quite some time afterwards I
2 rewrote the whole thing over again.

3 Addition: There was an occasion when I re-
4 wrote them, when I rewrote the whole thing over, after
5 a considerable period of time had elapsed.

6 Q When did you start rewriting these Memoirs,
7 Mrs. KONOE?

8 A I don't remember. Frankly speaking, I must
9 tell you that my sense of time is very hazy and I
10 often confuse what happened yesterday with what
11 happened the day before.

12 Q In other words, you admit you do not have a
13 good memory?

14 A Yes.

15 Q Well, see if you can answer this question,
16 Mrs. KONOE. When you started rewriting these Memoirs,
17 were there any deletions or additions to the documents
18 as you got them back as compared to your original sub-
19 mission to Baron HARADA?

20 A I recall that there were some insertions in
21 Prince SAIONJI's handwriting.

22 Q Were there many?

23 A I think there were very few.

24 Q How many documents, how many years of these
25 documents, did you rewrite?

1 A About a third of the whole series from the
2 beginning to the end.

3 Q And how many deletions were there? Were
4 there many or few?

5 A My recollection is that there were hardly any.

6 Q You are familiar with Prince SAIONJI's hand-
7 writing?

8 A On the whole I feel I can recognize it.

9 Q And you don't know when Prince SAIONJI made
10 the changes in these documents, do you?

11 A As he looked through them every time HARADA
12 took them up for him to see, he must have made correc-
13 tions on each occasion.

14 Q That is an assumption on your part, is that
15 right?

16 A After some time had elapsed, when I was re-
17 writing the document, I noticed the corrections.

18 THE MONITOR: Correction on the one before
19 the last answer: I believe he made correction on each
20 occasion where he found a mistake.

21 Q Even though your memory isn't so good,
22 Mrs. KONOYE, can you answer this question: When these
23 corrections were made by Prince SAIONJI, did he ever
24 correct any conversations that Baron HARADA had with
25 other people?

1 A I don't recall at all.

2 Q But your memory is not so good, is it?

3 A Yes.

4 THE MONITOR: Just a moment. "As you say,"
5 instead of "Yes."

6 Q When the documents came back from Prince
7 SAIONJI they were put in a vault at the Sumitomo
8 Bank, weren't they?

9 A As you say.

10 Q Did anyone else make any corrections on
11 these remembrances of HARADA?

12 A There were people.

13 Q How many people besides Prince SAIONJI worked
14 on them?

15 A I don't think there are any other persons
16 who made additions to the original, who wrote-- who
17 made any writings on the original itself, but there
18 is one who wrote a book based on the original document.

19 Q Are you sure of that, Mrs. KONOYE?

20 A I feel sure there is no mistake.

21 Q As a matter of fact, you were working along-
22 side of a man who was making corrections on that diary,
23 weren't you, down at the Sumitomo Bank?

24 A Yes, that is so.

25 Q His name was YAMAUCHI, Hideo; isn't that right?

1 A The pen name he uses as a novelist is
2 SATOMI, Ton.

3 Q He is a writer and he worked on the diary,
4 on the Memoirs, for quite a long period of time
5 correcting them, didn't he?

6 A I don't remember how long a period of time
7 it was, but anyway it was up to the time the book was
8 published.
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1 Q And wasn't he working on those corrections at
2 the time that Baron HARADA was quite sick?

3 A I think it was before Baron HARADA became
4 sick.

5 Q And after he had made many corrections, it
6 was that period of time that you started to rewrite
7 it, isn't that so?

8 A I think I rewrote the manuscript before Mr.
9 SATOMI began conducting researches in connection with
10 the composition of the book.

11 Q And you know, as a matter of fact, don't you,
12 Mrs. KONOYE, that this rewritten version of these
13 memoirs was wholly without any consultation on his
14 part with Baron HARADA, isn't that so?

15 A My recollection is that he rewrote the manu-
16 script on Baron HARADA's request.

17 Q That is right; and he was paid for it, isn't
18 that so?

19 A I don't know anything about that.

20 Q He was employed to make it grammatically
21 correct, to figure out whether Baron HARADA was re-
22 ferring to the present tense or the past tense and
23 who was speaking in the various conversations, isn't
24 that so?

25 A I think that was the case.

1 Q And the way you wrote the entries, isn't it
2 true, Mrs. KONOYE, that it would be difficult for one
3 to determine whether Baron HARADA was referring to
4 present tense or past tense and it was difficult to
5 determine the predicate and the subject of the sen-
6 tences, and it was also difficult to tell who was
7 saying what?

8 A There were many portions which were as you
9 have indicated.

10 Q And, Mrs. KONOYE, isn't it also a fact that
11 in this script as it was originally written by you it
12 is extremely difficult for one translating it to know
13 to which person Baron HARADA was referring, for
14 example: that the Japanese character as written by you
15 is the same for Home Minister, Lord Keeper of the Privy
16 Seal and Minister of the Imperial Household, isn't
17 that so?

18 A They weren't at all the same, nor did they
19 resemble each other. My system of shorthand is written
20 according to pronunciation -- correction: is written
21 phonetically, and, therefore, each character was dif-
22 ferent from the other.

23 Q I am not talking about your shorthand, Mrs.
24 KONOYE; I am talking about the document as you re-
25 wrote it after you took it down in shorthand, after it

was dictated to you by Baron HARADA.

1 A When I transcribed the shorthand notes which
2 I had taken down into Japanese script I tried to avoid
3 the possibility of such mistakes arising and took
4 every care that such confusion would not occur.

5 Q But, despite the caution that you took, Mrs.
6 KONOYE, isn't it so that that difficulty did arise in
7 the translation?
8

9 THE MONITOR: Mr. Logan, do you mean by
10 "translation," translation into English or a trans-
11 lation into a readable Japanese?

12 MR. LOGAN: Translation into English.

13 A When I was transcribing my notes, I had great
14 difficulty in trying to discover just what portion in
15 a given sentence was the subject.

16 Q And I suppose you did the best you could and
17 wrote it out the way you thought it should be, is that
18 right?

19 A Naturally, yes.

20 Q Now, as a matter of fact, Mrs. KONOYE,
21 SATOMI asked you to rewrite this diary before he
22 started to work on it, and he asked you to put larger
23 margins so that he could make his corrections, isn't
24 that true?
25

 A As you say.

1 Q And it is also a fact that, after he got
2 finished making all his corrections on it, you rewrote
3 it again, isn't that so?

4 A That is a fact.

5 Q When did you finish working on it?

6 A I don't recall.

7 Q So that the remembrances of Baron HARADA as
8 they exist today consist of your interpretation of
9 Baron HARADA's dictation to you, is that right?

10 A The Japanese original of the notes which I
11 transcribed in shorthand into Japanese script is what
12 is left today.

13 Q As corrected by Prince SAIONJI and as cor-
14 rected by SATOMI, isn't that so?

15 A SATOMI's corrections do not appear on that
16 document.

17 THE PRESIDENT: All that for nothing.

18 Q On which document?

19 A I don't recall the details.

20 Q You just said, Mrs. KONOYE, that SATOMI's
21 corrections do not appear on that document. To what
22 document are you referring?

23 A To the manuscript which HARADA took to
24 SAIONJI for correction.

25 Q On what document did SATOMI's corrections

1 appear?

2 A I rewrote the document which HARADA had taken
3 to SAIONJI for correction, and SATOMI corrected the
4 rewritten copy of that document.

5 Q And then did you rewrite it again?

6 A Yes.
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1 Q You state in your affidavit as follows: "I
2 have been shown by Mr. J. G. Lambert, IPS Investigator,
3 a photostatic copy of this finished transcription which
4 I recognize as the memoirs of Baron HARADA written by
5 me in my own handwriting." Is that photostatic copy
6 that you saw a copy of the document you just spoke about?

7 A Yes.

8 Q Mrs. KONOYE, how often during that ten-year
9 period was Baron HARADA ill?

10 A He was often slightly ill or disposed. How
11 many times he was so disposed I do not remember.

12 THE MONITOR: Indisposed instead of disposed.

13 Q You state that he had one sickness on February
14 23, 1937. Was that when he had a semi-paralytic stroke?

15 A I found out through looking it up in the diary
16 that HARADA had been ill on the 23rd of February 1937, and
17 had gone to Oiso.

18 Q Well, weren't you taking dictation from him
19 at this period of time?

20 A I was taking dictation.

21 Q Wasn't the left half of his body semi-paralyzed?

22 A I don't remember well.

23 Q Well, what was the sickness he had on February
24 23rd?

25 A I have a feeling that he had caught a cold

1 on that occasion but the entry does not say that in so
2 many words.

3 Q Again you are relying on your memory?

4 A I am.

5 Q Now, you say whatever his state of health
6 he occasionally appeared abstracted as though he was
7 thinking of something else. As a matter of fact that
8 was his condition all the time, wasn't it?

9 A Not all the time, but once in a while I would
10 get such a feeling.

11 Q He was a man who had a great imagination, didn't
12 he?

13 A I cannot pass any judgment on that.

14 Q He was very voluble?

15 A He didn't dislike speaking.

16 Q It is a fact that when he spoke to somebody
17 sometimes he would appear quite abstracted and when the
18 reply was made he wouldn't understand it, isn't that
19 so?

20 A Once in a while I think there were such
21 occasions.

22 Q Now, do you recall in 1937, early part, that
23 he requested Marquis KIDO to take his place in so far
24 as acting as secretary to Prince SAIONJI? I don't
25 mean by that the writing of his memoirs.

KONOYE

CROSS

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1 A That isn't in my recollection.

2 Q That might have happened without you knowing
3 it or else you forget it, is that true?

4 A Maybe so.

5 Q And isn't it a fact, Mrs. KONOYE, that some-
6 times he would become sleepy while he was dictating
7 to you or while he was talking to somebody else?

8 A I cannot say that there were no such occasions.

9 MR. LOGAN: I ask that the notebook that I
10 showed Mrs. KONOYE be marked for identification.

11 CLERK OF THE COURT: The one volume from
12 which the notes of the HARADA Diary were taken will
13 receive exhibit No. 3752 for identification only.

14 (Whereupon, the document above re-
15 ferred to was marked defense exhibit No.
16 3752 for identification.)

17 MR. LOGAN: May I ask that defense document
18 2989, excerpt from the diary of Marquis KIDO, February
19 27, 1937, which I read to the previous witness be
20 marked for identification.

21 CLERK OF THE COURT: Defense document No.
22 2989 will receive exhibit No. 3753 for identification
23 only.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 3753 for identification.)

1 MR. LOGAN: I forgot about these documents
2 that have been produced. I ask the witness be shown
3 this document which is chapter 262.
4

5 (Whereupon, a document was handed
6 to the witness.)

7 BY MR. LOGAN (Continued):

8 Q Mrs. KONOYE, look at that document, see
9 chapter 262 dated February 9, 1938, and the first date
10 mentioned under that as for the first entry is January
11 21st. Does that mean that the dictation was given to
12 you by Baron HARADA on February 9 and that he was
13 dictating as far back as what occurred on January 21
14 on that occasion?

15 A I think so.

16 Q Now will you look at chapter 264 which is on
17 the table there beside you? It is a different docu-
18 ment. You will find that is dated March 4, 1938, and
19 the first date mentioned under that chapter it says
20 on the 21st; I presume it means the 21st of February.
21 Now, does that mean that on March 4, 1938, Baron
22 HARADA dictated to you with respect to events as far
23 back as February 21, 1938?
24

25 A I do not recall whether notes which I took
down between those two dates were later bound together

1 in the same volume as the notes taken down at the later
2 date on March 4.

3 Q Well, do you know as a fact whether or not
4 you did take any notes between February 21, 1938 and
5 March 4, 1938?

6 A May I have that repeated, please?

7 (Whereupon, the Japanese court reporter read.)

8 A I don't recall at all.

9 MR. LOGAN: If the Tribunal please, there are
10 many other examples with respect to this diary of the
11 difference in dates. It would be superserogation to
12 go through them all so we will just leave that as an
13 example.

14 That concludes my cross-examination.
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THE PRESIDENT: Dr. KIYOSE, for whom?

1 DR. KIYOSE: I have one simple question on
2 behalf of the defendant TOJO.

3 CROSS-EXAMINATION (Continued)

4 BY DR. KIYOSE:

5 Q In your second affidavit, in the very last
6 paragraph, you have mentioned the entry of 19 August
7 1940. In this portion it further states that during
8 the cross-examination of the accused TOJO, which was
9 exhibit 3867 for identification, you state that you
10 remembered that when HARADA was dictating this to you
11 he was reading from a document which he held in his
12 hand. Now, I would like to ask you, did you see this
13 particular document?
14

15 A I took down what HARADA was dictating to me.
16 Correction: What HARADA was reading from the document.

17 Q Then you personally did not see the document,
18 is that not right?

19 A I don't think I did.

20 Q Did Baron HARADA tell you, in addition to
21 dictating from this document, tell you anything as to
22 the nature of that document?

23 A I do not recall.

24 Q Then you are not able to tell us whether this
25 document was written by HARADA himself or given to him

by some other person, is that not right? Correction:

1 Then you are not able to tell us, are you, whether
2 HARADA compiled this document himself, or whether it
3 it was given to him by somebody else?

4 A I merely recall that he read the original
5 document.

6 DR. KIYOSE: This concludes my cross-examination.

7 THE PRESIDENT: Colonel Warren.

8 MR. WARREN: Mrs. -- Miss KONOYE --

9 THE PRESIDENT: Mr. Comyns Carr.

10 MR. COMYNS CARR: Your Honor, in my submission
11 there should be some limit on the number of counsel
12 entitled to cross-examine one witness. I did not ob-
13 ject to Dr. KIYOSE because there are specific refer-
14 ences to his client in the witness' affidavit. But the
15 general objection has been fully covered by Mr. Logan,
16 and in my submission counsel for other accused not
17 specifically mentioned in the affidavit have no right
18 to further cross-examine.
19

20 MR. WARREN: Your Honor, since there are
21 references in the affidavit to the diary, and since
22 there are many references to my client HIRANUMA, I
23 desire to put about three questions to this witness.
24

25 THE PRESIDENT: You don't propose to cover
the same ground as Mr. Logan and Dr. KIYOSE?

1 MR. WARREN: Not at all, sir. I think I can
2 handle it in one question.

3 THE PRESIDENT: Well, put the question.

4 CROSS-EXAMINATION (Continued)

5 BY MR. WARREN:

6 Q Miss KONOYE, is it not a fact that both Baron
7 HARADA and Prince SAIONJI intensely disliked Baron
8 HIRANUMA?

9 MR. WARREN: One of the counsel has asked
10 me to ask one more question which I think is very
11 pertinent.

12 THE PRESIDENT: No answer to this yet.

13 A From my side I am not in a position to be
14 able to tell you anything about that.

15 Q Now, did you show the final memoir to HARADA
16 after SATOMI corrected it -- I mean that should be
17 HARADA corrected it -- and you rewrote it?

18 Let me withdraw the question and ask it again
19 because there is confusion on it.

20 Did you show the final memoir to HARADA after
21 SATOMI corrected it and you rewrote it?

22 A I don't know about that.

23 MR. BROOKS: If your Honor please, I wanted to
24 cross-examine this witness on the original documents,
25 and I had asked the prosecution to produce the first

1 and last of the series of this diary. I understand
2 it is available.

3 THE PRESIDENT: I understood Mr. Carr to say
4 it wasn't in his possession.

5 MR. BROOKS: Well, it isn't in my possession
6 either, but as I understood he knew where it was, that
7 it had been turned back to the family, and I thought it
8 being so close to recess time that over night there
9 might be some information for it for in the morning.

10 THE PRESIDENT: Well, we still have five
11 minutes. We don't want to waste five minutes.

12 Mr. Comyns Carr.

13 MR. COMYNS CARR: Your Honor, whether we can
14 procure the production of the original documents of
15 which we have the photostats or not I don't at this
16 moment know. I didn't know there was any question about
17 it. There is no dispute that these are photostats
18 taken from the original, and I don't see how it could
19 help anybody to see that of which we have a precise
20 photostatic copy.

21
22 THE PRESIDENT: Unless it is suggested that
23 part of the sheet was covered over while being photo-
24 stated, and that would be an extreme suggestion to make,

25 MR. BROOKS: If your Honors please, since the
testimony in this room this afternoon I think we can

1 see the reason. I want to know what that is a photo-
2 stat of.

3 THE PRESIDENT: The photostat will tell you.

4 MR. BROOKS: Not having seen the original I
5 have not had a chance to compare it, and I think --

6 THE PRESIDENT: The photostat would or should
7 tell you all that the original can tell you; I assume
8 it is a facsimile.

9 MR. BROOKS: Assuming that I am willing to
10 take the prosecution's word that it is a photostat of
11 the original, I don't know or see any evidence here
12 that there was an original outside of the photostat.

13 THE PRESIDENT: I don't think we ought to de-
14 lay the proceedings making comparisons of the original
15 and the photostat.

16 We will adjourn until half past nine tomorrow
17 morning.

18 (Whereupon, at 1600, an adjournment
19 was taken until Friday, 16 January 1948, at
20 0930.)
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